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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,192	03/02/2004	Yoshio Kawahara	101229-00002	3959

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

CHAN, WING F

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/790,192	KAWAHARA, YOSHIO	
	Examiner	Art Unit	
	Wing F. Chan	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is responsive to the amendment filed 11/10/05. As directed by the amendment, claims 1, 3, 4, 10, 15, 17, 18, 20, 22 were amended, claims 2, 5, were canceled, new claims 24, 25 were added.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. Applicant is advised that should claims 13, 14 be found allowable, claims 24, 25 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 4, 6-14, 16-21, 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The entire specification only discloses a cellular phone having two cameras and microphones for example see Fig. 2B and abstract. The specification does not disclose any other electronic apparatus (e.g. digital camera, TV, radio, etc.), therefore to use the terms "electronic apparatus" in the claims is incommensurate with the scope of the disclosure since applicants have not disclosed every and all electronic appliances that includes the claimed limitations as set forth in the claims.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is confusing in that the rotation position of the camera and microphone is maintained as recited in claim 11, therefore it appears to contract claim 11 in reciting the relative position is independent between the camera and microphone.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 6-8, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tani et al (US PG PUB. NO. 2002/0075244 hereinafter Tani).

Tani discloses an electronic apparatus (remote monitoring system) comprising a plurality of capture units (e.g. cameras 60, 70, ..., 80), corresponding number of voice input units (e.g. microphones attached to the selected camera), a selection unit (switcher 30), and a control unit 30 for controlling the microphones based on the selection unit, for example see abstract, paragraph [0138] and corresponding figure.

10. Claims 6-8, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Klindworth (US PG PUB. NO. 2003/0081120 filed 10/30/01).

Klindworth discloses an electronic apparatus (conference system) comprising a plurality of capture units (e.g. cameras 140), corresponding number of voice input units (e.g. microphones 130), a selection unit (audio/video processor 114), and the audio/video processor 114 also functions as a control unit for controlling the microphones based on the selection unit, for example see Fig. 1, paragraph [0018-0021].

11. Claims 11, 16, 21, 23, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Muramatsu (JP 2001-169158).

As to claims 11, 16, 21, 23, Muramatsu discloses an electronic apparatus 1 comprising a capture unit 21 capturing a target; a voice input unit 22 inputting voice; and a rotation unit 2 rotating the capture unit and voice input unit with a relative position

between the capture unit and voice input unit maintained. Muramatsu also discloses receiving voice from either the first (22) or second (31) voice input unit. See abstract, Fig. 2.

As to claim 24, alternate limitations are recited and the claim is met by Muramatsu in the alternate limitation of "with a relative position between said capture means and said voice input means maintained".

12. Claims 11, 21, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al (JP 2002-237985 hereinafter Yoshida).

As to claims 11, 21, Yoshida discloses an electronic apparatus 1 comprising a capture unit 17 capturing a target; a voice input unit 17 inputting voice; and a rotation unit 83 rotating the capture unit and voice input unit with a relative position between the capture unit and voice input unit maintained. See abstract, Fig. 15.

As to claim 24, alternate limitations are recited and the claim is met by Yoshida in the alternate limitation of "with a relative position between said capture means and said voice input means maintained".

13. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flohr (US PAT. NO. 5,612,733) in view of Katsumi (US PAT. NO. 6,369,846).

As to claims 10, 20, it is old and well known in the art to obtain voice when it is determined that a specific input level of a plurality of microphones is above a threshold value as being the presence of voice signals, for example see Katsumi col. 5 line 56 to

col. 6 line 16. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flohr to comprise threshold value determining means to properly determine where the voice is being inputted when the input levels exceed the threshold value.

14. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akai (US PG PUB. NO. 2004/0204194) in view of Katsumi (US PAT. NO. 6,369,846).

As to claims 10, 20, it is old and well known in the art to obtain voice when it is determined that a specific input level of a plurality of microphones is above a threshold value as being the presence of voice signals, for example see Katsumi col. 5 line 56 to col. 6 line 16. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akai to comprise threshold value determining means to properly determine where the voice is being inputted when the input levels exceed the threshold value.

15. Claims 11, 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al (US PAT. NO. 6,069,648 hereinafter Suso) in view of Yoshida et al (JP 2002-237985 hereinafter Yoshida).

As to claims 11, 21, Suso discloses a cellular telephone having a camera function substantially as claimed where the camera is rotatable to take a front or back image, e.g. see Fig. 5b, col. 4 lines 30-38. Suso differs from the claimed invention in

not disclosing the camera comprises a microphone in the same housing such that the relative position of the camera and microphone is maintained.

Yoshida discloses an electronic apparatus 1 comprising a capture unit 17 capturing a target; a voice input unit 17 inputting voice; and a rotation unit 83 rotating the capture unit and voice input unit with a relative position between the capture unit and voice input unit maintained such that the voice signal is recorded appropriately in directivity with the imaging unit (see abstract, problem to be solved section). See abstract, Fig. 15. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suso to comprise a microphone in the same housing such that the relative position of the camera and microphone is maintained to have the voice signal recorded appropriately in directivity with the imaging unit.

As to claim 24, alternate limitations are recited and the claim is met by Suso as modified by Yoshida as discussed above in the alternate limitation of "with a relative position between said capture means and said voice input means maintained".

16. Claims 11, 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al (US PAT. NO. 6,069,648 hereinafter Suso) in view of Muramatsu (JP 2001-169158).

As to claims 11, 21, Suso discloses a cellular telephone having a camera function substantially as claimed where the camera is rotatable to take a front or back image, e.g. see Fig. 5b, col. 4 lines 30-38. Suso differs from the claimed invention in

not disclosing the camera comprises a microphone in the same housing such that the relative position of the camera and microphone is maintained.

Muramatsu discloses an electronic apparatus 1 comprising a capture unit 21 capturing a target; a voice input unit 22 inputting voice; and a rotation unit 2 rotating the capture unit and voice input unit with a relative position between the capture unit and voice input unit maintained. Muramatsu also discloses receiving voice from either the first (22) or second (31) voice input unit. See abstract, Fig. 2. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suso to comprise a microphone in the same housing such that the relative position of the camera and microphone is maintained to "always fix the sensitivity of a microphone in the direction of a photographic subject to remove unwanted back ground noise during recording.

As to claim 24, alternate limitations are recited and the claim is met by Suso as modified by Muramatsu as discussed above in the alternate limitation of "with a relative position between said capture means and said voice input means maintained".

17. Claims 15, 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al (US PAT. NO. 6,069,648 hereinafter Suso) in view of Murakawa (JP 06-302169).

Suso discloses a cellular telephone having a camera function substantially as claimed where the camera is rotatable to take a front or back image, e.g. see Fig. 5b, col. 4 lines 30-38. Suso differs from the claimed invention in not disclosing a sensitivity

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control unit controlling sensitivity of the voice input unit based on a rotation angle of the rotation unit.

However, it is old and well known in the art for a camera with a rotation unit to comprise a sensitivity control unit controlling sensitivity of the voice input unit based on a rotation angle of the rotation unit, for example see Murakawa's abstract, such that "sounds from the front and the rear are recorded almost in the same audition and the microphone is attached to a free position". Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suso to comprise a sensitivity control unit controlling sensitivity of the voice input unit based on a rotation angle of the rotation unit, for example see Murakawa's abstract, such that "sounds from the front and the rear are recorded almost in the same audition and the microphone is attached to a free position".

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura (JP 2004166159, filed 11/15/02 in Japan) discloses a cellular phone with a built-in camera and a front and rear microphone.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Wing F. Chan', is positioned above the printed name.

Wing F. Chan
Primary Examiner
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12/12/05